

**BIRCH, STEWART, KOLASCH & BIRCH, LLP**

INTELLECTUAL PROPERTY LAW

8110 GATEHOUSE ROAD  
SUITE 100 EAST  
FALLS CHURCH, VA 22042-1248  
USA

(703) 205-8000  
FAX: (703) 205-8050  
(703) 698-8590 (G IV)

e-mail: [mailroom@bskb.com](mailto:mailroom@bskb.com)  
web: <http://www.bskb.com>

OTHER OFFICES:  
CARLSBAD, CALIFORNIA  
COSTA MESA, CALIFORNIA  
LOS ANGELES, CALIFORNIA



Date: December 3, 2003

Docket No.: 0020-5202P

**MS PATENT APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a ☐ continuation ☒ divisional  
☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of  
pending prior Application No. 09/984,982 filed on October 31,  
2001, the entire contents of which are hereby incorporated by  
reference,  
by

Masakazu TANI, Yoshiyuki MAKITA, Norihisa YOSHIMOTO & Kenichiro  
YOSHIDA

for

MAGNETIC RECORDING MEDIUM

1. ☒ Enclosed is an application consisting of specification,  
claims, declaration and drawings/photographs (if  
applicable).

2. ☒ The filing fee has been calculated as follows:

			LARGE ENTITY	SMALL ENTITY
BASIC FEE			\$770.00	\$385.00
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	5-20 =	0	x 18 = \$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS	1-3 =	0	x 86 = \$0.00	x 43 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$290.00	+ \$145.00
TOTAL			\$770.00	\$0.00

3. ☒ A check in the amount of \$770.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. ☒ Enclosed is/are three (3) sheet(s) of formal drawings and/or photographs.
- 6a. ☐ A statement claiming small entity status was filed in prior Application No. 09/984,982 on \_\_\_\_\_. See the attached copy of the statement claiming small entity status.
- 6b. ☐ The current application qualifies for small entity status.
7. ☒ The prior application is assigned to Hitachi Maxell Ltd.
8. ☒ A Preliminary Amendment is enclosed.
- 9a. ☒ Priority of Application No(s). 333928/2000 filed in Japan on October 31, 2000 is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on February 27, 2002.
- 9b. ☐ Priority of International Appln. \_\_\_\_\_ filed on \_\_\_\_\_ under the Patent Cooperation Treaty and \_\_\_\_\_

Application No. \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.

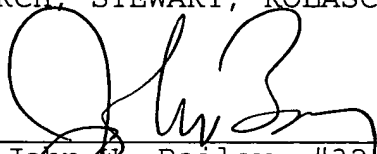
10. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
11. ☒ Address all future communications to:
- BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000
- or
- Customer No. 02292
12. ☐ An extension of time for \_\_\_\_\_ ( ) month(s) until \_\_\_\_\_ has been submitted in parent Application No. 09/984,982 in order to establish co-pendency with the present application.
13. ☐ Also enclosed herewith is the following:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
John W. Bailey, #32,881

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

JWB/enm  
0020-5202P

Attachment(s)

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: TANI, et al. Conf.: 2745  
Appl. No.: 09/984,982 Group:  
Filed: October 31, 2001 Examiner:  
For: MAGNETIC RECORDING MEDIUM

L E T T E R

Assistant Commissioner for Patents  
Washington, DC 20231

February 27, 2002

Sir:

Under the provisions of 35 U.S.C. § 119 and 37 C.F.R. § 1.55(a), the applicant(s) hereby claim(s) the right of priority based on the following application(s):

<u>Country</u>	<u>Application No.</u>	<u>Filed</u>
JAPAN	2000-333928	October 31, 2000

A certified copy of the above-noted application(s) is(are) attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

COPY

By \_\_\_\_\_  
Joseph A. Kolasch, #22,463

JAK/lab  
0020-4922P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment